



EXHIBIT F

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December 14, 2018

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Via Electronic Mail: james.wakley@ohioattorneygeneral.gov

James Wakley
Senior Assistant Attorney General - Health & Human Services
Office of the Ohio Attorney General Mike DeWine
30 E. Broad Street, 26th Floor
Columbus, OH 43215

**Re: *In re: National Prescription Opiate Litigation, Case No. 1:17-md-02804*
Ohio Department of Health Production Deficiencies**

Mr. Wakley,

I write to follow up on our phone conversation this week and your promise to address the production deficiencies related to the Ohio Department of Health's ("ODH") response to our subpoena served on August 8, 2018. During our conversation, you mentioned that it would be helpful if we provided search parameters and/or criteria that could be used to hasten ODH's efforts. We are of course willing to help expedite this process but, as you acknowledged, it is very difficult to provide additional and/or more specific search parameters without first knowing some basic information about what responsive information and documents exist, where they exist, what specific efforts your team has already undertaken, and which former and current employees have insight into and/or possession of responsive information. When we asked several questions seeking this type of information during our call, you had very few answers.

The inability to provide this basic information was very troubling because, since issuing the subpoena last August, we have been led to believe that ODH was thoroughly searching for all responsive documents, and would produce them in rolling productions. As explained in my December 5, 2018 letter, however, very few documents have been produced to date, and the majority of the categories of documents that we requested still have not been produced. We are, frankly, bewildered by your claim during the call that all responsive materials "readily accessible to ODH from its programs" have been turned over. As an entity with significant involvement confronting the opioid abuse epidemic for many years, we are certain ODH has more than 1148 "readily accessible" responsive documents.

To further assist you in complying with our August 8, 2018 subpoena, and to better understand where and how the responsive documents can be located, we request that you answer the following questions by the close of business Tuesday, December 18:

1. Please describe the process, procedure, and search terms used to identify and collect responsive hard copy and electronic records to date.
2. Which current ODH personnel possess (either in electronic or physical form) documents responsive to our August 8, 2018 subpoena?
 - a. Of those custodians identified, what responsive documents and information do they possess or do you expect them to possess?



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- b. Of those custodians identified, please state whether a search of their individual computers and/or their individual office/cubical/desk spaces has been completed.
 - c. If a search was conducted for an identified custodian, what processes, procedures, and search terms were used to discover responsive documents?
3. Which former ODH personnel possess (either in electronic or physical form) documents responsive to our August 8, 2018 subpoena?
 - a. Of those persons identified, what responsive documents and information did they possess?
 - b. Of those persons identified, what efforts have been made to search archived electronic or physical documents related to these custodians? Please include any search terms utilized for collection of responsive electronic files.
4. Which active servers, drives, file folders, or similar discrete electronic storage areas have been identified as containing or potentially containing responsive data or documents?
 - a. For each active server, drive, file folder, or similar discrete electronic storage area identified, please describe the process, procedure, and any search terms utilized to examine these active electronic storage areas.
5. Which inactive or archived servers, drives, file folders, or similar discrete electronic storage areas have been identified as containing or potentially containing responsive data or documents?
 - a. For each inactive or archived server, drive, file folder, or similar discrete electronic storage area identified, please describe the process, procedure, and any search terms utilized to examine these active electronic storage areas.
6. You mentioned that some of the initiatives or programs for which we requested information were not related to ODH. Please identify which non-ODH initiatives or programs you were referring to, and clarify whether ODH is nonetheless in possession of the information requested.
7. You mentioned that some of the initiatives or programs for which we requested information were “very old.” Which “very old” initiatives were you referring to and what steps are being taken to determine what archived electronic and/or physical documents contain information responsive to those programs?
8. What sources or potential sources of responsive information, beyond those requested above, have not yet been searched, and why have they not yet been searched?
 - a. For any sources or potential sources of responsive information that have not yet been searched due to technological impediments, what steps are you taking to overcome these technological impediments and how long do you anticipate that these impediments will continue to disrupt process?
9. During our call, you mentioned that a particular network or hard drive may contain protected health information (“PHI”) that could inhibit production of responsive

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information. What client or patient services does ODH provide that would result in PHI being stored on ODH's servers and/or within ODH's email system? Is the PHI responsive to the subpoena? If the PHI is not responsive, what steps have been taken to date to produce the responsive data? What responsive data is stored on this drive?

Based on your representation that ODH has made a diligent effort to produce responsive documents over the past four months, ODH should have no trouble providing the information requested above. While we will use this information to assist ODH in further efforts to identify and produce responsive documents, we maintain our position that ODH is in the best position, and indeed it is ODH's obligation, to identify and produce the documents.

Please provide the information requested above no later than Wednesday, December 19, 2018. Otherwise, we will have no choice but to seek the intervention of the Court.

Very truly yours,

TUCKER ELLIS LLP



Justin E. Rice
Attorney

JER:mgw

cc: Yvonne Tertel (via email)
Tariq M. Naeem, Esq.